

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SACV 14-310 AG (DFMx), SACV 14-314 AG (DFMx), SACV 14-318 AG (DFMx), SACV 14-319 AG (DFMx)	Date	December 5, 2014
Title	O.S. SECURITY LLC v. BBK BRANDS, INC.; O.S. SECURITY LLC v. JOHN D. BRUSH & CO.; O.S. SECURITY LLC v. SARGENT MANUFACTURING CO., et al.; O.S. SECURITY LLC v. SCHLAGE LOCK COMPANY, et al.		

Present: The Honorable ANDREW J. GUILFORD

Lisa Bredahl

Not Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: [IN CHAMBERS] ORDER RE JOINT STATEMENT OF
ISSUES REGARDING CLAIM CONSTRUCTION
DEADLINES**

After the Court granted a request to stay these proceedings pending the resolution of issues concerning claim construction, the parties to these four cases filed a Joint Statement of Issues Regarding Claim Construction Deadlines. The parties present two issues to the Court. First, they dispute whether Plaintiff can propose a construction for a term after having maintained in its S.P.R. 3.2 disclosures that the term does not need construction. Second, the parties dispute whether defendants should be required to file a combined Joint Claim Construction and Prehearing Statement with Plaintiff and a combined Claim Construction Brief. The Court finds these issues appropriate for resolution without a hearing.

1. Plaintiff's Proposed Constructions

Standing Patent Rule (S.P.R.) 3.2 requires the parties to exchange their respective constructions of disputed patent claim terms within 14 days of receiving the opposing party's

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list of proposed terms for construction. In this case, Plaintiff took the position in its S.P.R. 3.2 disclosures that many of Defendants' proposed terms for construction were properly understood as having their plain and ordinary meaning. According to Defendants, Plaintiff now seeks to offer alternative constructions to some of those terms, in contradiction of its prior assertions that the plain and ordinary meaning is appropriate for those terms.

To the extent that Plaintiff seeks to introduce new constructions for terms that it already addressed in its S.P.R. 3.2 disclosures, the Court agrees with Defendants that it may not do so. The purpose of the S.P.R. 3.2 disclosures would be thwarted by a ruling otherwise. Thus Plaintiff's proposed constructions shall be those identified in the S.P.R. 3.2 disclosures. Plaintiff may, however, explain why a term does not require construction, or why it believes Defendants' construction is incorrect. Alternatively, the parties may agree to a compromise construction for the Court's review that neither proposed in its S.P.R. 3.2 disclosures.

2. Defendants' Claim Construction Filings

Defendants argue that they should be allowed to file separate Joint Claim Construction and Prehearing Statements, and separate Claim Construction briefs. They argue that the issues in the cases differ and that the 25-page limit for one combined brief would be too short. Plaintiff argues the opposite—that the technology in the cases is similar enough to warrant combining the briefs.

The Court agrees with Plaintiff. In these related cases, separate filings from each Defendant will not be efficient for the Court. Furthermore, while recognizing that each Defendant may be somewhat differently situated, the Court expects that all parties will benefit from a coordinated process. The page limitations require prioritization and focus, which often results in more effective advocacy. Thus the Court ORDERS as follows:

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The parties shall file a single joint claim construction and prehearing statement, and a single set of claim construction briefing with an extended limit of 35 pages for opening briefs and 20 pages for responsive briefs. The parties should minimize the number of terms for construction and focus on the key terms. The Court may set the number of terms to be construed after reviewing the joint claim construction and prehearing statement, and that number would be unlikely to exceed 15 terms.

The stay ordered on November 18, 2014 is lifted. The Court sets the following dates:

Claim construction discovery shall be completed by December 12, 2014.

The joint claim construction and prehearing statement shall be filed by December 19, 2014.

Opening claim construction briefs shall be filed by January 16, 2015.

Responsive claim construction briefs shall be filed by January 30, 2015.

The claim construction hearing is set for February 17, 2015 at 9:00 a.m.

Initials of
Preparer

_____ : _____
lmb